

### **REMARKS**

Applicant respectfully requests reconsideration of this application in view of the foregoing amendment and following remarks.

#### **Status of the Claims**

Claims 1 and 3-8 are pending in this application. Claim 1 is independent. All of the pending claims stand rejected. By this amendment, claim 1 is amended. No new matter has been added by this amendment.

#### **Rejections under 35 U.S.C. §§102 and 103**

Claims 1, 3-5, 7 and 8 have been rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,771,315 to Nanjo et al. ("Nanjo1"). Claim 6 has been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Nanjo1 in view of JP 11-064923 to Nanjo Yusuke ("Nanjo2"). Nanjo2 is cited as disclosing that an ND filter is made such that its shape is similar to the V shape of the opening portion of a diaphragm blade.

The *Response to Arguments* section of the Final Office Action indicates that "[a]s clearly disclosed by Nanjo '315 in **col. 9, lines 18-35**, the driving mechanism only starts driving the ND filter into the region **when** the predetermined aperture size  $\alpha$  is reached by the diaphragm blades of aperture 15." (Page 2 of the Final Office Action, and emphasis in the original)

Claim 1 has been amended for further clarification. In particular, amended claim 1 recites, *inter alia*, that "a moving speed of the optical filter to the opening is higher than a moving speed of the at least two light-blocking members." Support for the amendment may be found throughout the original specification including paragraphs [0128] through [0130] of the corresponding published application (i.e., 2005/0073604). A portion of the specification (i.e., paragraph [0130]) explains that with this feature of the present invention "a section in which an

MTF is deteriorated by small-aperture diffraction in a section in which a diaphragm aperture diameter is changed can be made small (time of the deterioration section is shortened)."

As Applicant understands it, neither Nanjo1 nor Nanjo2 shows or suggests the above explained aspect of invention as specifically recited in amended claim 1. For example, regarding the MTF, a portion of Nanjo1 merely describes that "[t]he reason why the MTF value takes a minimum value when the diaphragm aperture 15 is in the state of FIG. 2L is that the vacant space area 28 surrounded by the aperture size defining cutout 11 of the diaphragm blade 3 and the first filter element 21a serves as a small aperture to develop diffraction, and image quality is somewhat deteriorated." (col. 9, line 66 - col. 10, line 4 of Nanjo1)

Accordingly, amended claim 1 is neither anticipated by nor rendered obvious in view of the cited references (i.e., Nanjo1 and Nanjo2), either taken alone or in combination, for at least the reasons discussed above.

Reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. §102(e) is respectfully requested.

Applicant has not individually addressed the rejections of the dependent claims (i.e., claims 3-8) because Applicant submits that the independent claims from which they respectively depend are in condition for allowance as set forth above. Applicant however reserves the right to address such rejections of the dependent claims should such be necessary.

Applicant believes that the application as amended is in condition for allowance and such action is respectfully requested.

**AUTHORIZATION**

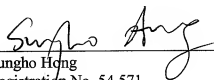
No petitions or additional fees are believed due for this amendment and/or any accompanying submissions. However, to the extent that any additional fees and/or petition is required, including a petition for extension of time, Applicant hereby petitions the Commissioner to grant such petition, and hereby authorizes the Commissioner to charge any additional fees, including any fees which may be required for such petition, or credit any overpayment to Deposit Account No. 13-4500 (Order No. 1232-5175). A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,  
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